THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 25198 OF 1997

Dated 24th January, 2007

Between:

Inam Chandrasekhar and others

…Petitioners

And

District Collector, West Godavari at Eluru
and others.

… Respondents.

ORAL ORDER:

In this writ petition, the petitioners, six in number, seek a writ of mandamus to declare the action of the respondents in taking steps for demolishing their houses bearing D.Nos. 8-80/1, 7-3, 8-80/1, 7-2, situated at Ananthapalli Nallagerla Mandal, West Godavari and D.Nos. 6-32, 6-32 situated at Thoorupuchodavaram, Nallagerla Mandal, West Godavari District as illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that the first petitioner purchased the land in an extent of 40 sq. yards with a slab structured house in the year 1980 vide document No.1190 registered in the Office of Sub-Registrar, Ananthapalli, 2nd petitioner purchased land in an extent of 148 sq. yards with constructed building vide document No.2/95, 3rd petitioner purchased land in an extent of 45 sq. yards with RCC building vide document No.1933/95, 4th petitioner purchased an extent of 140 sq. yards vide document No.1283/95 and 6th petitioner purchased an extent of 128 sq. yards with RCC building vide document No. 1284/95 and since then they have been in possession and enjoyment of the same and paying cist and taxes to the authorities. It is their grievance that without issuing any notice and opportunity and in spite of the fact that the said houses are purchased by them through registered documents, steps are being taken to demolish the houses. It is stated that on 28.9.1997, second respondent along with his staff came to their houses and directed them to remove the structures, or else, he would take steps to demolish the same.

The writ petition was admitted on 30.9.1997 and interim direction was issued not to demolish the houses. The said order

continued all long. Though the writ petition is of year 1997, no counter affidavit is filed.

As much as it is stated that the properties owned by the petitioners were purchased by them by registered sale-deeds, I dispose of the writ petition directing the respondents not to deprive the petitioners of their houses otherwise than by due process of law. However, if any property/place is required for any public purpose, it is open for the respondents to take steps in accordance with law. No costs.

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25.1.2007

R.SUBHASH REDDY, J.

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